



Chapter Twenty-Seven

ENVIRONMENTAL SURVEYS

BUREAU OF DESIGN AND ENVIRONMENT MANUAL

Chapter Twenty-Seven
ENVIRONMENTAL SURVEYS

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CHAPTER TWENTY-SEVEN

ENVIRONMENTAL SURVEYS

Chapter 27 discusses Department procedures for conducting environmental surveys (in general) and for special wastes specifically.

27-1 INTEGRATED SURVEY PROCESS

27-1.01 Background

Section 27-1 provides guidance on the Department's integrated process for determining the need for and, when necessary, accomplishing environmental surveys, studies, and the associated coordination for those highway projects with potential for adversely affecting sensitive environmental resources including:

- significant archaeological, historical, or architectural resources;
- threatened or endangered species;
- Illinois Natural Areas Inventory sites and Illinois dedicated Nature Preserves; and
- Class I streams, wetlands, and floodplains.

27-1.02 Applicability

This guidance applies to State highway projects and actions. The procedures in Section 27-1.03 are applicable to:

- all projects which would:
 - + involve acquisition of additional right-of-way or easements (temporary or permanent);
 - + require a drainage structure runaround or any in-stream work (i.e., any work or other activity within the stream banks which modifies or otherwise affects the stream bed or stream banks);
 - + potentially affect a recognized Illinois Natural Areas Inventory site or Illinois dedicated Nature Preserve, a wetland, or a location where a State- or Federal-listed species is known to occur; and
- all borrow/contractor-use areas.

27-1.03 Procedures

27-1.03(a) Submittal of Environmental Survey Request

The district office will, as early as practical in the development of proposed projects or actions, determine whether proposed projects or actions meet any of the applicability criteria in Section 27-1.02. To determine those situations where a wetland may be affected, districts should check National Wetland Inventory (NWI) maps and wetland maps produced by local jurisdictions, where available. To determine instances in which State- or Federal-listed species or natural areas may be affected, districts should check proposed actions against the Illinois Natural Areas Inventory and proposed Nature Preserves (described in Illinois Nature Preserves Commission meeting minutes, provided by BDE) and against any information they may have on locations where listed species are known to occur.

For those proposed projects or actions that meet one or more of these criteria, the district office must prepare an environmental survey request. Some projects or actions that meet the criteria for preparation of an environmental survey request may have limited potential for adverse environmental impacts. When this is the case, the district office may request a BDE Environment Section Project Coordinator to make a preliminary determination, on a case-by-case basis, of whether or not the survey request, with all necessary exhibits, etc., must be submitted to BDE for further processing. When the BDE Project Coordinator makes a preliminary determination that submittal to the BDE is not necessary, he/she will use the information in the environmental survey request form to confer with the appropriate BDE specialists for verification of the determination. The Project Coordinator will then advise the district office of the response from the BDE specialists.

The survey request forms to be used in conjunction with the procedures described herein are electronic documents. The forms are available on the district and central IDOT Local Area Networks (LANs). For all survey request submittals, use the electronic forms and associated instructions in effect at the time of the submittal.

The Environmental Survey Request (ESR) form may be accessed through the Project Monitoring Application (PMA) by IDOT staff that has obtained rights to use the application. Page 2 of the ESR form is used for Special Waste Screening. Merging the Environmental Survey Request and Special Waste Screening forms has allowed for more accurate monitoring of overall environmental clearances for projects. Instructions for using these forms may be found under the "Help" menu in PMA. Local agencies and consultants should use the web version of the forms and instructions found at <http://www.dot.state.il.us/environment/esrhome.html>.

The Environmental Survey Request for Borrow-Waste-Use Areas may be accessed through the "Forms" button in Word on the LAN. The forms also are available on the IDOT web page at <http://www.dot.state.il.us/desenv/deform.html>. Instructions on use and processing of the Environmental Survey Request for Borrow-Waste-Use Areas are available in the "Forms" section of the *IDOT Construction Manual*.

27-1.03(b) Response to Environmental Survey Request

The following will apply:

BDE will review each environmental survey request and evaluate the need for reconnaissance surveys or studies and related preliminary coordination with other agencies. If field reconnaissance surveys or other studies are not needed for specific resource concerns, BDE will coordinate, as appropriate, with the agencies responsible for the concerns involved and will provide the responsible district office documentation of the responses received. If BDE determines that a field reconnaissance survey(s) or other type of environmental study is necessary for specific environmental resource considerations, it will initiate action to accomplish the survey(s) or study and obtain the information needed. BDE will provide the results of the reconnaissance survey(s) and any related studies for resource delineation or evaluation to the district office.

The district will consider the environmental resource information in further development of the project and, for resources with identified limits (e.g., wetlands, natural areas, archaeological and historical sites), the district will evaluate options for avoiding and minimizing the project's effects on the resources. When the district has determined the likely effects the project will have on resources with identified limits, it shall provide written notification to BDE.

If adverse effects to the resources cannot be avoided, BDE will evaluate whether any further studies of the resources are necessary. If further studies are needed, BDE will advise the district and will initiate action to accomplish the studies, considering program priority and project scheduling.

For contractor-furnished borrow or contractor-use areas involving sensitive environmental resources, the initiation of environmental studies beyond the reconnaissance surveys will be contingent upon receiving a commitment from the contractor to pay for the studies.

BDE will coordinate the results of project environmental studies and the determination of the project's anticipated impacts with other agencies according to applicable regulations and agreements on project coordination. BDE will provide information to the district office regarding environmental study findings, results of coordination with outside agencies, and any recommendations for further coordination or actions by the district office.

27-1.03(c) Environmental Survey Request Addenda

When providing the results of reconnaissance surveys conducted on a project, BDE will include information to indicate the extent of the area that was surveyed. Submittal of a survey request addendum will only be necessary when changes in the project will affect areas outside the limits of the surveyed areas or when a change in the scope of work for the project would invoke a different criterion in Section 27-1.02 than shown in the original survey request. If questions arise

on the need for submitting addenda to survey requests for specific projects, contact the BDE project coordinator for the district involved.

The Environmental Survey Request Addendum (AESR) form may be accessed through the Project Monitoring Application (PMA) by IDOT staff that has obtained rights to use the application. Form instructions may be found under the "Help" menu in PMA. Local agencies and consultants should use the web version of the form and instructions found at <http://www.dot.state.il.us/environment/onlineforms.html>.

27-1.03(d) Application of Findings

The district will ensure that the results and recommendations it receives in response to the environmental survey request are fully integrated into the development and implementation of the project or action. The documentation of the Phase I environmental investigations, associated coordination, and any commitments made will become part of the environmental information included in or with the Environmental Impact Statement, Environmental Assessment, or Phase I Engineering Report, as appropriate.

27-2 SPECIAL WASTE PROCEDURES

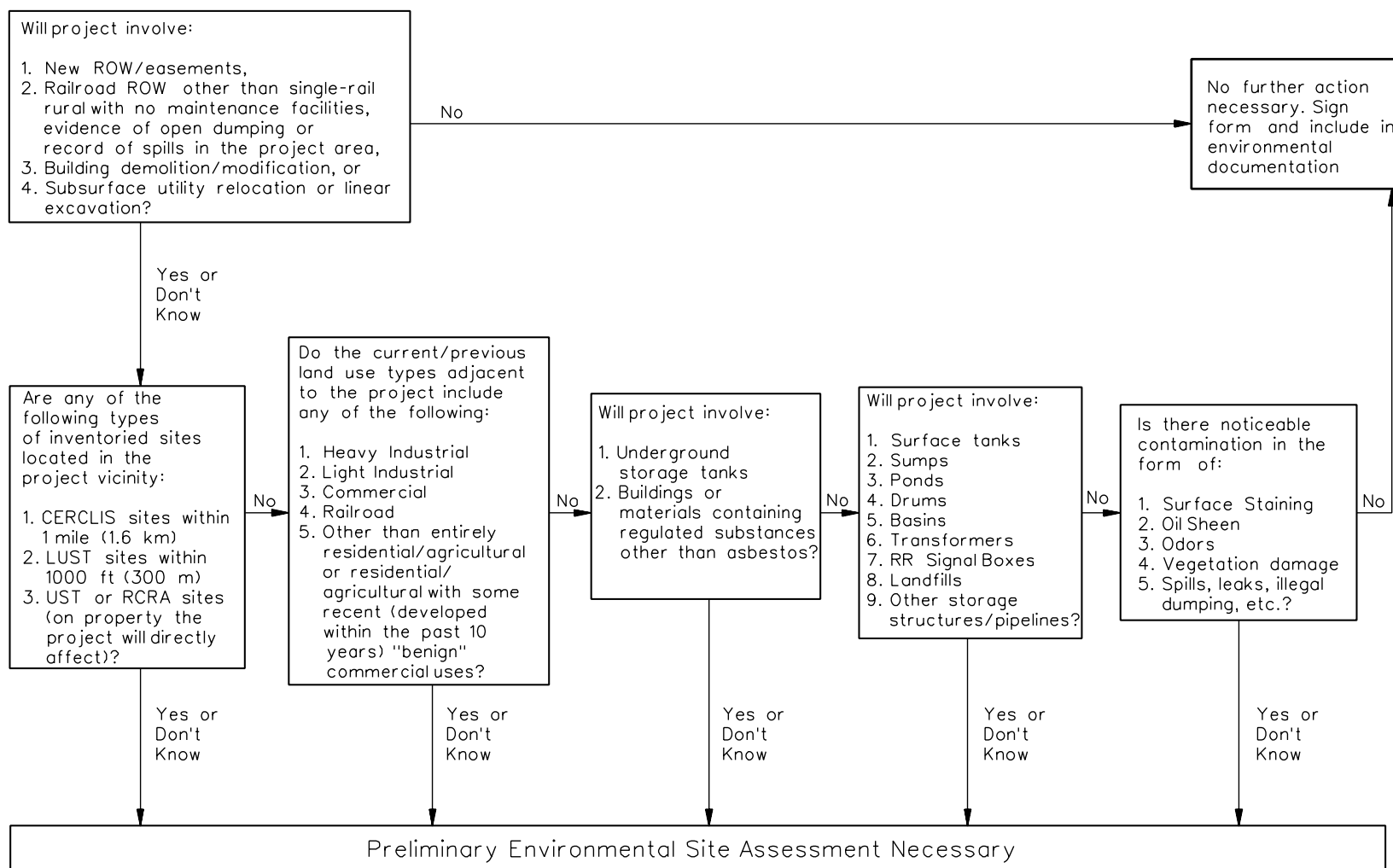
The procedures in Section 27-2 are applicable to all State highway projects. These procedures use the collective term “special waste” from the Illinois Environmental Protection Act (415 ILCS 5/3.45) which includes hazardous waste, potentially infectious medical waste, and industrial process waste or pollution control waste, except:

1. any such waste certified by the generator as not being any of the following:
 - a liquid, as determined using the paint filter test set forth in subdivision (3)(A) of subsection (m) of 35 Ill. Adm. Code 811.107;
 - regulated asbestos-containing waste materials, as defined under the National Emissions Standards for Hazardous Air Pollutants in 40 CFR 61.141;
 - polychlorinated biphenyls (PCBs) regulated pursuant to 40 CFR Part 761;
 - an industrial process waste or pollution control waste subject to the waste analysis and recordkeeping requirements of 35 Ill. Adm. Code 728.107 under land disposal restrictions of 35 Ill. Adm. Code 728; and
 - a waste material generated by processing recyclable metals by shredding and required to be managed as a special waste under Section 22.29 of the Environmental Protection Act;
2. any empty portable device or container in which a special waste has been stored, transported, treated, disposed of, or otherwise handled.

State environmental law defines “regulated substance” to include “...any hazardous substance...and petroleum products...” Contaminated soils that meet the exemption from classification as a “special waste” are still considered to be a “regulated substance.” They will be regulated as a solid waste and will be addressed as a part of the BDE Special Waste Procedures. Such contaminated soils will be managed as a “non-special waste.”

27-2.01 Special Waste Screening

Districts shall screen all highway projects to determine whether they require further assessment for special waste contamination or sites otherwise potentially impacted by regulated substances. The screening process applies criteria for determining a project’s potential involvement with special waste and other regulated substances and leads either to a determination that no further action is necessary or to a request for a Preliminary Environmental Site Assessment (PESA). Districts shall follow the Special Waste Assessment (SWA) Screening Criteria flowchart in Figure 27-2A and shall use Page 2 of the Environmental Survey Request (ESR) form for



SPECIAL WASTE ASSESSMENT (SWA) SCREENING CRITERIA

Figure 27-2A

documenting the screening results. The ESR form may be accessed through the Project Monitoring Application (PMA) by IDOT staff that has obtained rights to use the application. Merging the Environmental Survey Request and Special Waste screening forms has allowed for more accurate monitoring of overall environmental clearances for projects. Instructions for using the form may be found under the "Help" menu in PMA. Local agencies and consultants should use the web version of the form and instructions found at <http://www.dot.state.il.us/environment/esrhome.html>.

27-2.01(a) No Further Action Determination

The district need not undertake further action to identify and evaluate special wastes or other regulated substance contamination if completion of the SWA screening process results in the determination that:

1. the project does not involve any of the following: New right-of-way or easements, railroad right-of-way other than single rail rural with no maintenance facilities, evidence of open dumping or record of spills in the project area, building demolition/modification, linear excavation, or subsurface utility relocation; or
2. the project *may* involve one or more of the aforementioned factors, but the district determines that both of the following apply:
 - no listed CERCLIS sites are within one mile (1.6 km) of the project; no listed Leaking Underground Storage Tanks (LUST's) are within 1000 ft (300 m) of the project; and no listed Underground Storage Tanks (UST's) or RCRA facilities are located on properties the project will directly affect; and
 - the project area is entirely agricultural/residential or agricultural/residential with some recent (developed within the last 5-10 years) "benign" commercial uses (i.e., uses not covered by the listings in Section 27-2.09), and all of the items listed in the "visual inspection" section of the screening criteria warrant a "No" response.

The district individual preparing the SWA Screen/Survey Request Form shall sign and date the form. The district shall ensure that the form is retained in the project file and included in the environmental documentation for the project to support the finding that the application of the screening criteria did not indicate potential for special waste or other regulated substance contamination warranting further investigation.

27-2.01(b) Further Assessment Determined Necessary

If application of the SWA screening procedure leads to a determination that further assessment of the project for special wastes or other regulated substance contamination is required, a

Preliminary Environmental Site Assessment (PESA) will be necessary. A Preliminary Site Investigation (PSI) also may be necessary, depending upon the results of the PESA. For petroleum contamination only, the district may prepare PESA's and, as necessary, PSI's with qualified district personnel but may *not* do so with personnel from consulting firms working for the district. If a district wishes to perform PESA's/PSI's with district personnel, it must advise the BDE and request approval to do so. BDE approval is not necessary on a case-by-case basis for every individual PESA/PSI; concurrence should be requested on the general approach of using district personnel to perform the work. Personnel performing PESA's or PSI's:

- will be required to have 40-hour OSHA safety training and 8-hour Supervisory training with annual refresher courses;
- will need annual medical monitoring; and
- will require additional specific task training on proper sampling methods and chain-of-custody for samples.

In response to the district's request to perform PESA's or PSI's, BDE will provide more detailed information on the training and other related requirements. Procedures applicable to district-accomplished PESA's and PSI's are described in Sections 27-2.02(b) and 27-2.03(b).

27-2.02 Preliminary Environmental Site Assessment

27-2.02(a) PESA Requested Through BDE

To request a PESA, the district shall complete as much of the SWA Screen/Survey Request Form as possible and forward the document to BDE. BDE will then forward the form to the Illinois State Geological Survey (ISGS).

After receiving a SWA Screen/Survey Request Form from BDE, ISGS will review file information and will conduct appropriate field investigations to assess the potential of the project area for involving special waste, other regulated substance contamination, or other natural hazards and concerns. For projects anticipated to require an Environmental Impact Statement (EIS) or Environmental Assessment (EA), ISGS will submit an interim and a final report on the PESA investigations. In addition to the information resulting from the historical records search and the initial site visit, the interim report will include information on general geology, hydrogeology, and inventoried facilities such as registered underground storage tank sites and potable water wells. For projects anticipated for processing as Categorical Exclusions, ISGS generally will provide only a final report. If the district requests through BDE an interim report for such projects, ISGS will provide one. ISGS will send interim reports to both the district and BDE. ISGS will send final reports to BDE, and BDE will forward a copy to the district. The transmittal memorandum from BDE will specify conditions for complying with Departmental Policy D&E-11, "Identifying and Responding to Regulated Substances, in Highway Project Development."

Upon receipt of an interim PESA report, the district should determine whether changes in the project have eliminated the potential involvement with any or all of the properties proposed for testing by ISGS. Such changes in the project might be initiated in response to the results of the interim PESA report or because of other aspects of the engineering and environmental analyses. The district should provide written notification directly to ISGS with a copy to BDE for changes that avoid properties the ISGS had recommended for testing. In response to this notification, ISGS can incorporate any necessary revisions in the testing plan. To the extent that such changes reduce the number of sites requiring testing, they can help to reduce the time needed for completion of the final PESA report.

The target* for completion of the final PESA report for spot projects generally will be within approximately three months from the date ISGS receives the survey request. The target* for completion of the final PESA report for other projects generally will be within six months from the date ISGS receives the survey request. ISGS will send the final report to BDE, and BDE will forward the report to the district, to the IEPA, and to the Office of State Fire Marshal, as appropriate.

The final PESA report prepared by ISGS will include all information from any interim reports prepared in addition to the results of a second site visit, field screening for soil gasses, PCB's, metals, and other factors, as appropriate. This report will identify properties requiring statements for compliance with the Responsible Property Transfer Act (RPTA), will include an evaluation of risk for the project, and will provide a summary of findings.

27-2.02(b) PESA Performed by District Personnel

After receiving BDE approval to perform PESA's with qualified district personnel for sites involving only petroleum contamination, the district shall notify BDE when it intends to undertake a PESA. The notification to BDE should include a completed Special Waste Assessment Screen/Survey Form and a memorandum indicating the district is undertaking the PESA. When the district prepares an internal memorandum requesting its Geotechnical Unit to perform work for the PESA, it may use a copy of that memorandum, plus the Special Waste Assessment Screen/Survey Form, to notify BDE. The district must ensure that the work conforms to the guidance provided in the ISGS publication *A Manual for Conducting Preliminary Environmental Site Assessments for Illinois Department of Transportation Highway Projects*. Refer to BDE Technical Environmental Memorandum I-7-96.

* *The target time frames are the anticipated minimums. Actual times may be greater. Factors contributing to longer time frames could include size and complexity of the project, the number and complexity of other project studies in progress, and the number of calls for emergency investigations which compete for the attention of the special waste survey staff. For larger or more complex projects, ISGS will inform BDE of the estimated target time for the final report when it submits the interim report.*

BDE will assist the district in establishing a historical information data base for checking its project locations. BDE will evaluate the adequacy of the data base annually and will assist in updating the information as necessary. The district must provide a copy of the final PESA report to BDE upon completion. The report must indicate the level of risk and must document either the avoidance of contamination or the level of involvement with the contamination and the intended plan of action to address the contamination.

The district may choose to perform only the field testing necessary for the PESA based on a testing plan prepared by ISGS. Upon completion of the field testing, the district will supply the results of the testing to ISGS for its use in completing the PESA report.

27-2.02(c) PESA Risk Findings

The following will apply:

1. "No Risk" or "Low Risk" Finding. If the final PESA report indicates that the project is "no risk" or "low risk" for sites potentially impacted with regulated substances, the district shall document this finding in the environmental documentation for the project. The documentation should be a copy of the memorandum from BDE transmitting the final PESA report or a copy of the memorandum from BDE concurring in the "no risk" or "low risk" determination. The final PESA report should not be included. The district need not take any further action regarding sites potentially impacted with regulated substances unless a reevaluation for special wastes becomes necessary (see Section 27-2.07) or a previously unidentified site is encountered. If such a site is encountered, work affecting the site should immediately cease until the district, in consultation with BDE, the central Bureau of Construction, and the Office of Chief Counsel, has assessed the situation and determined an appropriate course of action.
2. "Moderate Risk" or "High Risk" Finding. If the PESA results in a determination that the project is "moderate risk" or "high risk" for special waste or other sites potentially impacted with regulated substances, BDE will determine conditions for reducing the risk to an acceptable level (through some means of avoidance). BDE will consult with the Office of Chief Counsel in developing conditions for non-routine situations. BDE will forward the conditions to the district Bureau of Program Development and will send a copy of the correspondence to the district Land Acquisition Engineer, the central Bureau of Land Acquisition, BDE Project Development and Implementation Section, and the Office of Chief Counsel. The transmittal will include a PESA Response form which the district shall use to advise BDE of its intended action to respond to the risk finding.

The following applies:

- Avoidance Possible. If the district determines the project can conform to the avoidance conditions, it shall so indicate on the return form to BDE. The district also shall provide a copy of the completed return form to the central Bureau of

Land Acquisition. The district shall retain a copy of this form in the project file and include it in the environmental documentation for the project. The district need not take any further action regarding sites potentially impacted with regulated substances unless a reevaluation for special wastes becomes necessary (see Section 27-2.07) or a previously unidentified site is encountered. If such a site is encountered, work affecting the site should immediately cease until the district, in consultation with BDE, the central Bureau of Construction and the Office of Chief Counsel, has assessed the situation and determined an appropriate course of action.

- Avoidance Not Possible. If the district determines the project cannot conform to the avoidance conditions, it shall either submit a task order (refer to BLE Technical Environmental Memorandum Number P-1-96) to BDE or accomplish the PSI with qualified district personnel (refer to 27-2.03(b)). The task order will request the services of the Statewide Special Waste Investigation Consultant to perform a PSI to determine the nature and extent of contamination (i.e., above or below the clean-up objectives). The district shall provide a copy of the task order to the central Bureau of Land Acquisition.

27-2.03 Preliminary Site Investigation

27-2.03(a) PSI Requested Through BDE

For sites involving only petroleum contamination, BDE will use the information provided in the task order (concerning the volume of material to be excavated and the cost of the excavation) and information on soil gas/analytical concentrations to determine whether the contamination can be addressed during construction without a PSI. If BDE determines, through this "risk management" evaluation procedure, that a PSI is not warranted, it will notify the district that the project is eligible to be a Risk Managed Project (RMP). Depending upon the PESA results concerning the contamination involved, BDE will provide the district either:

- a special provision for inclusion in the construction plan documents to require monitoring for worker protection and for contaminated soils that may require management as non-special wastes; or
- a cost estimate for managing the contaminated soil as a non-special waste and a special provision for the management of the contaminated soils and associated monitoring for worker protection and contaminated soils.

For actions that do not qualify as RMP's, BDE will contact the Statewide Special Waste Investigation Consultant and request a work plan and estimated budget for the PSI. BDE will review the work plan and budget and will provide the district with an opportunity for review prior to approval. PSI budgets of up to \$100,000 generally will be paid from funds for the Statewide Special Waste Investigation agreement. If the estimated cost is more than \$100,000 but less

than \$200,000, BDE will discuss funding options with the district. If the estimated budget is \$200,000 or more, the district will be required to fund the PSI. Upon receiving approval of the work plan and budget, the Statewide consultant will proceed with the investigations of the site(s).

After completing the investigations, the consultant will provide a draft PSI report to BDE. Generally, this report will be provided within three months of the authorization of the PSI work plan, unless completion is delayed to meet target letting dates for other projects. BDE, in consultation with the Office of Chief Counsel as appropriate, will review the report for adequacy and will provide it to the district for review. After all comments on the draft PSI report have been addressed, BDE will issue a revised PSI report to the district, the central Bureau of Land Acquisition, the Office of Chief Counsel, and the Illinois State Geological Survey. A copy of the report also will be provided to the Office of State Fire Marshal and Illinois Environmental Protection Agency, as appropriate. Generally, BDE will provide the final PSI report to the district with the appropriate Special Provisions within six months of the authorization of the PSI work plan, unless completion is delayed to meet target letting dates for other projects. The report will identify areas impacted by special waste or regulated substances, recommend actions to be taken, and provide estimated costs for excavating, transporting, and disposing of the contaminated material. The cost information will include two clean-up estimates for each proposed right-of-way/temporary easement parcel — one based upon proposed construction excavation and the second based on clean-up of the parcel to be obtained without regard to the proposed construction excavation. The district will review the cost estimates for excavation, transportation, and disposal of the contaminated material and advise whether they are acceptable. If the district determines the costs are unacceptable, the district will further investigate alternatives to avoid involvement with the special waste site(s).

27-2.03(b) PSI Performed by District Personnel

After receiving BDE approval to perform PSI's with qualified district personnel for sites involving only petroleum contamination, the district shall notify BDE, via the PESA response form, when it intends to undertake a PSI. Upon being notified that a district wishes to perform the PSI, BDE will provide the district with a package of the guidance information provided to the Statewide Special Waste Investigation Consultant. The district must ensure that the PSI conforms to the guidance. The district shall provide a copy of a draft PSI report to BDE upon completion of the investigations. The report must identify areas impacted by special waste or other regulated substances, recommend actions to be taken, and should provide an estimated cleanup cost for the site(s). BDE, in consultation with the Office of Chief Counsel as appropriate, will review the report for adequacy. Following completion of this review, BDE will respond to the district with a memorandum either indicating concurrence and supplying the appropriate special provision or requesting additional information.

27-2.03(c) Evaluation of Need for Remedial Investigation/Feasibility Study*

Following completion of the IDOT internal reviews of the draft PSI and prior to incorporation of any necessary revisions in the PSI report, BDE, in consultation with the Office of Chief Counsel as appropriate and the Statewide Special Waste Investigation Consultant, will evaluate whether sufficient information is available to determine the total extent of special waste/regulated substance contamination for which the Department would be liable relative to the project and the estimated cost and method for cleanup or whether a Remedial Investigation/Feasibility Study is needed.

If a Remedial Investigation/Feasibility Study is not needed, BDE will forward to the district a final PSI report with the appropriate special provision for management and monitoring of the contaminated areas. BDE will also forward a copy of the final PSI report to the central Bureau of Land Acquisition, the Office of Chief Counsel (for consideration of any legal actions that may be necessary), and to the appropriate State agencies (e.g., Office of State Fire Marshal, IEPA, ISGS). If the district accepts BDE's recommendations, it shall so advise BDE. If acceptance of the recommendations occurs prior to design approval, the district should summarize the proposal for management and monitoring of the site(s) in the environmental documentation for the project. Estimated cleanup costs should be included in project environmental documents and must be included when the costs of site involvement vary for different alternatives under study.

27-2.04 Remedial Investigation/Feasibility Study* and Risk Assessment

If BDE, in consultation with the Office of Chief Counsel as appropriate, determines that additional information is needed for determining the extent of contamination and method(s) and cost for cleanup of the site(s), it will advise the district. The district will be required to fund the additional studies. Accordingly, BDE will not proceed with arrangements until the district has confirmed that it will provide the necessary funding. If the district re-examines the project and identifies a strategy to avoid the site, the need for the additional studies may be eliminated. Upon receiving confirmation from the district for funding the additional studies, BDE will initiate a request to the Statewide Special Waste Investigation Consultant for a Remedial Investigation/Feasibility Study and, if appropriate, a Risk Assessment. The purpose of the Remedial Investigation will be to more precisely determine the extent of the contamination. The purpose of a Feasibility Study will be to identify options for addressing the site(s) and the estimated costs of each. The purpose of a Risk Assessment will be to determine the potential of the contamination for coming into contact with people (e.g., directly or through water

* In limited situations, an Engineering Evaluation/Cost Analysis (EE/CA) may be performed in lieu of a Remedial Investigation/Feasibility Study. The EE/CA provides essentially the same information in a more condensed format. When BDE determines an EE/CA is appropriate, the term "Engineering Evaluation" should be substituted for "Remedial Investigation" and the term "Cost Analysis" should be substituted for "Feasibility Study" where those terms appear in these subsections.

supplies), or otherwise posing a threat during or after construction, if left in place. A Risk Assessment will be prepared only when the Statewide Special Waste Investigation Consultant determines in the Feasibility Study that the levels of contamination and their location are such that leaving the waste in place may be an option.

Upon its completion, BDE will review the results of the Remedial Investigation/Feasibility Study. After incorporation of any necessary changes, BDE will forward the results to the district with a request for the district to advise which option for addressing the site it wishes to select (normally based on cost). Upon receipt of the district's response, BDE will forward the recommendation to IEPA for acceptance of the selected Remedial Action Plan (in the case of a cleanup option) or Risk Assessment (in the case of a proposal to leave the contamination in place). If IEPA accepts the recommended course of action, BDE will advise the district. BDE and the Statewide Special Waste Investigation Consultant, as necessary, will continue to be involved to assist the district in the preparation of plans and specifications for implementing the Remedial Action Plan. Also, if IEPA objects to the proposed course of action, BDE will continue to be involved in coordination to assist the district in responding to the objections. As practical, the selected method of addressing the site(s) and the results of coordination with IEPA should be discussed in project environmental documents. *Note: For sites on the National Priorities List, the nationwide list of hazardous waste sites maintained by the USEPA for purposes of assigning priorities for cleanup (National Priorities List sites are identified in the CERCLIS list), the public must be afforded an opportunity to comment on the analysis of alternatives for addressing the site(s). As practical, the district should address this requirement as a part of the normal public involvement activities for the project.* Estimated costs for addressing the sites should be indicated, particularly when the costs of site involvement vary for different alternatives under study.

27-2.05 Status Reporting and Determination of Priority

BDE will provide monthly reports to each district indicating the status of special waste assessment studies and reports by ISGS or the Statewide Special Waste Investigation Consultant. On a quarterly basis, BDE will ask each district in which more than one PESA is under way to advise BDE of its priorities for completion of those studies. This will afford each district an opportunity to modify the priorities for its special waste assessments being accomplished through BDE to reflect changes in project schedules and priorities. Districts with more than one PESA under way may advise BDE of its priorities more frequently than quarterly if it so chooses.

27-2.06 Relationship of Special Waste Process Results to Design Approval

Because of the potentially high costs and liabilities that may be associated with many types of special waste/regulated substance contamination, design approval will be given only when results of the special waste process support one of the following determinations:

1. Application of the SWA screening criteria resulted in a finding that the project has no potential for involving special waste sites or other sites impacted with regulated substances. The request for design approval must include a copy of the SWA Screen/Survey Form signed by the individual at the district who completed the form.
2. The PESA has resulted in a finding that the project is “no risk” or “low risk” for involvement with special waste sites or other sites impacted with regulated substances. The request for design approval must include a copy of the BDE memorandum confirming the “no risk” or “low risk” determination.
3. The PESA has resulted in a finding that the project is “moderate risk” or “high risk” for involvement with special waste sites or other sites impacted with regulated substances and the district has determined it can avoid the site. The request for design approval must include a copy of the memorandum from BDE transmitting the PESA report and the district's avoidance determination, documented on the PESA Response form provided by BDE. The information regarding the avoidance determination must be included in the commitment file for the project to ensure follow-through in subsequent stages of project development and implementation.
4. The PESA resulted in a finding that the project is “moderate risk” or “high risk” for involvement with special waste sites or other sites impacted with regulated substances, the district cannot avoid the site(s), the nature and extent of our involvement is known, the cost of addressing the site(s) is known (based on the results of the PSI or subsequent studies or assessments [for RMPs] as needed) and the district has determined that such cost is acceptable, and the areas of contamination will be managed and disposed of in accordance with all applicable State and Federal regulations. The request for design approval must include documentation of the district's determination that the cost involved in addressing the site(s) is acceptable. When the proposed project is on existing alignment or involves only a single alignment alternative, the district may request design approval prior to receiving the results of the PSI. In response to such a request, BDE may give design approval subject to the condition that the district may not acquire any contaminated parcel until the PSI, and subsequent studies if needed, have been completed. The district's memorandum requesting design approval must confirm that the project is on existing alignment or involves only a single alignment alternative. The memorandum must also acknowledge that design approval is requested subject to the condition that acquisition of any contaminated parcel will not proceed until the PSI and subsequent studies, if needed to determine the cost of addressing the contamination, are completed. The district must reflect in the commitment file for the project the requirement for completing the PSI and other related studies, if needed, prior to commencing acquisition of any contaminated parcel and must ensure follow-through on the commitment. This is especially important when BDE defers the PSI until the project is programmed. Prior to initiation of the PSI, the district should re-screen the project to evaluate whether anything has changed in the project area that would affect the results of the PESA and should update the PESA as necessary. If the district intends to request the PSI through BDE, it should initiate

arrangements well in advance of the projected date(s) for acquisition of the affected property(ies) to allow sufficient time for completion.

5. The only sites potentially involved with the project and potentially impacted with regulated substances are Underground Storage Tanks (UST's) or Leaking Underground Storage Tanks (LUST's), and the BDE Geologic and Waste Assessment Unit has waived waiting for the results of further investigations prior to design approval. This waiver may be requested on the basis of the interim PESA report or letter report, the final PESA report, or the PSI report. This waiver will not be given when the UST's/LUST's will be acquired or if the district proposes to acquire the entire property containing the UST's/LUST's. The request for design approval must include a copy of the waiver from the BDE Geologic and Waste Assessment Unit.

27-2.07 Validity of Special Waste Assessment Results

Standards issued by the American Society for Testing and Materials (ASTM) indicate that property audits for special waste/regulated substance contamination should only be considered valid for a period of six months. This reflects the realization that special wastes and other regulated substance contamination often may be introduced (through illegal disposal, migration from off-site, or generation from new land uses) into areas that have been previously evaluated for contamination. Before proceeding with arrangements for a PSI or RI/FS or before initiating land acquisition, if six months or more have elapsed since the last evaluation of the project area for special waste, the district should re-check the project area for new reported releases (lists provided by BDE) or new land uses of potential concern.

When reevaluation of a PESA or PSI is necessary to verify its validity, the reevaluation should consider any changes in the proposed action, the affected environment, anticipated special waste/regulated substance involvement, and proposed measures for addressing the special waste(s)/regulated substance(s). Sufficient detail must be provided to support a decision on whether a further PESA or PSI supplement is necessary.

27-2.08 Recovery of Costs

For sites involving excavation, transportation, and disposal costs of \$40,000 or more for special waste or other regulated substance contamination, the Department may pursue cost recovery from responsible parties. Excavation costs for special waste or other regulated substance contamination are considered only insofar as they are for excavation that would not otherwise have been required for the project. For all sites, BDE will provide a Special Provision regarding proper record-keeping for the costs associated with the site(s). Compliance with the Special Provision will ensure that appropriate expenditure records are available for any cost-recovery action. When the Department will pursue cost recovery for sites involving hazardous substances other than petroleum, the Office of Chief Counsel will advise if the public must be afforded an opportunity to comment on the analysis of alternatives for addressing the site(s).

When the opportunity for public comment must be afforded, the district should address this requirement, as practical, as a part of the normal public involvement activities for the project. An opportunity to comment may be announced through public notice(s) or can be addressed by making information regarding the alternatives for addressing the hazardous substance site(s) available at public meetings/hearings.

27-2.09 Risk Levels

The following are presented:

1. Commercial Sites. Figure 27-2B presents Risk Levels for potential land uses for commercial sites recently developed (within the last 5 to 10 years) which may be non-benign.
2. Industrial Sites. Figures 27-2C presents Risk Levels for potential land uses for industrial sites which cannot be screened out.

27-2.10 Responding to FOIA Requests for Special Waste Information

The following guidance applies for purposes of responding to Freedom of Information Act (FOIA) requests for information concerning special waste investigations conducted for IDOT projects. For purposes of this guidance, "special waste investigations" includes both surface and subsurface studies conducted to determine potential involvement of highway projects with special wastes. This guidance was developed in consultation with the Office of Chief Counsel and supplements guidelines for compliance with the Freedom of Information Act set forth in Departmental Order 9-4 and the Department's Freedom of Information Act Manual.

The key factor that determines whether special waste investigation information should be released under FOIA requirements is the ownership status of the property on which the investigations were conducted. The basic rule is that if the property involved is not under IDOT control when the district responds to the FOIA request, the district should not release the information regarding the investigations on that property.

All responses to FOIA requests should conform to the time frames established by the Freedom of Information Act, as implemented by Departmental Order 9-4 and the IDOT Freedom of Information Act Manual. These directives provide that the action on the request should occur within seven working days of receipt unless an extension, not to exceed seven additional working days, is warranted.

The four numbered paragraphs below provide specific guidance addressing typical situations. Districts should determine the ownership status of the property or properties involved and respond to the special waste FOIA request in accordance with the applicable guidance.

Risk Level	Potential Land Use	Comments
A	car washes	Possible UST's
A	grain elevators	Possible UST's and old sites used Carbon Tetrachloride as a fumigant
A	lumber yards/hardware/general stores	Possible UST's
A	photolabs (small, modern one-hour photo places pose minimal hazards as do places which send out pictures)	Possible heavy metals (mainly silver)
A	public utilities such as gas, phone, cable, power	Possible UST's
A	rent-all shops	Old sites where UST's are suspected would change risk to "B"
B	airports/hangars	Possible UST's, pesticides if crop dusting
B	areas where pesticide-carrying vehicles (tankers or farm application equipment) are habitually parked or washed	Possible pesticides/herbicides, fertilizers
B	auto paint centers at department stores	Possible solvents (paint thinners)
B	auto paint shops/radiator shops	Possible solvents, paint thinners, waste automotive fluids
B	auto repair shops with or without waste oil UST's	Possible UST's, waste oils, fluid disposal
B	boat builders/repairers/restorers	Possible lead from keel work
B	car dealerships	Possible UST's, waste fluid disposal
B	construction equipment/farm dealers, storage or servicing	Possible UST's
B	crop dusting facilities (public or private) (storage/mixing areas, plane parking areas)	Possible UST's, possible pesticides
B	exterminators and pest-control operations	Possible UST's, possible pesticides
B	fairgrounds	Possible UST's
B	farm co-ops/bulk agricultural chemical depots	Possible UST's, possible pesticides, herbicides, agricultural chemicals
B	farmsteads	Possible UST's
B	fleet-maintaining facility, especially trucking depots, cab services, and rental car agencies	Possible UST's
B	funeral homes	Possible UST's
B	furniture restorers/strippers	Used solvents

Risk Levels

A - Nothing generally expected

B - Potential exists

C - Likely or highly probable

**COMMERCIAL SITES RECENTLY DEVELOPED
(Within Last 5-10 Years) (Potentially Non-Benign)**

Figure 27-2B

Risk Level	Potential Land Use	Comments
B	golf courses	Possible UST's
B	government offices (fire, police, ambulance, forest preserves, parks, conservation offices)	Possible UST's
B	greenhouses and (especially) nurseries	Possible UST's
B	hydraulic fluid/equipment supplier	Possible PCB's, spent fluid
B	hydroelectric plant sites (and former ones)	Lubricating oils for turbines, possible UST's for heating oil
B	landscapers/lawn care spraying operations	Possible UST's, herbicides
B	large composting or yard waste operations	Possible concentrated household agricultural chemicals
B	large private farm complexes that keep a stock of agricultural chemicals on-hand	Possible UST's, agricultural chemicals
B	mines and mining operations	Possible heavy metals and acid drainage
B	newspaper distributors	Possible UST's
B	newspaper graphic arts and painting shops	Possible solvents, heavy metals (from ink)
B	oil change shops	Possible UST's, waste fluids
B	post offices/Federal Ex/UPS depots	Possible UST's
B	railroad offices or signal yards	Possible spills, possible UST's for heating oil
B	school bus yards	Possible UST's
B	schools/colleges/churches/nursing homes/hospitals	Possible UST's
B	services/dairies/bakeries	Possible UST's
B	sign advertising material producers	Possible heavy metals
B	sites which may own small substations	Possible PCB's
B	soft drink/beer bottlers/food distributors, diaper/linen	Possible UST's
B	state/county/township/local highway department yard	Possible UST's
B	toll plazas	Possible UST's
B	transit barns, bus depots	Possible UST's

Risk Levels

A - Nothing generally expected

B - Potential exists

C - Likely or highly probable

**COMMERCIAL SITES RECENTLY DEVELOPED
(Within Last 5-10 Years) (Potentially Non-Benign)
(Continued)**

Figure 27-2B

Risk Level	Potential Land Use	Comments
B	underground oil/gas storage caverns	Possible oil leakage/spills
C	auto wrecking yards/junkyards/metal scrap yards	Possible heavy metals, waste fluids
C	bulk petroleum distributors/refineries	Possible UST's, spills
C	commercial laundries/linen services with cleaning plants on-site (also leather and fur cleaning)	Dry cleaning chemicals (may be in UST's) typically perchloroethylene (a.k.a. tetra-chloroethylene)
C	deposition sites/landfills for sludge from industrial wastewater, treated human sewage, or ash from municipal solid waste	Possible heavy metals
C	drum or tank recyclers	Possible waste fluids, solvents
C	dry cleaners	Dry cleaning chemicals (may be in UST's) typically perchloroethylene (a.k.a. tetra-chloroethylene)
C	gasoline stations (former) (past ones may not be on UST list)	Possible UST's
C	gasoline stations (present) (also all sites on the UST/LUST lists)	Possible UST's
C	landfills	Possibly anything
C	military armories/garages/any military installation	Possible UST's
C	oil recyclers	Possible leaks, spills, UST's
C	power substations	Risk reduced to "A" if PCB's are not suspected
C	radio transmitters	Risk reduced to "A" if PCB's are not suspected
C	railroad right-of-way yards	Possible UST's, spills, solvents
C	wood preserving operations	Various VOC's, heavy metals

Risk Levels

A - Nothing generally expected

B - Potential exists

C - Likely or highly probable

**COMMERCIAL SITES RECENTLY DEVELOPED
(Within Last 5-10 Years) (Potentially Non-Benign)
(Continued)**

Figure 27-2B

Risk Level	Potential Land Use	Comments
B	any industry that may have bulk lubricants/ fuel oil on-site	
B	battery manufacturers or recyclers	
B	pharmaceutical producers	
C	asphalt producers/paving companies/roof- ing tar operations	
C	coal gasification plants	
C	electronics manufacturers	
C	glass, mirror, and ceramics manufacturing	
C	heat exchanger manufacturers or any sites with older heat exchangers (operational or not)	
C	iron and steel manufacturing or smelters	
C	leather product manufacturing/tanning	
C	manufacturers of agricultural chemicals (also warehouses)	
C	metal fabrication/metal plating/tool die/ machine shops (numerous degreasing solvents)	
C	metal forming, finishing, polishing operations	
C	paint or adhesive manufacturers/ware- houses/painting contractors	
C	paper mills	
C	petrochemical plants, warehouses	
C	rubber or tire manufacturers	
C	synthetic fiber manufacturing	
C	textile mills and dying operations	
C	transformer manufacturers	

Risk Levels

A - Nothing generally expected

B - Potential exists

C - Likely or highly probable

INDUSTRIAL SITES
(Sites Cannot be Screened Out)

Figure 27-2C

1. If investigations were conducted within right-of-way currently under IDOT control (easement of ownership in fee), the district may release the information on those investigations.
2. If investigations occurred on property in which the Department *proposes* to acquire an interest, the district may release the information after the Department has acquired the interest in the affected right-of-way.
3. If any investigations occurred on private property not proposed for acquisition, the district should not release the information on those investigations. When special waste reports include information concerning investigations on private property as well as on property under IDOT control, districts may block out the information on the private property investigations and may release the other information in the report.
4. If the exact location in which investigations were conducted is unclear and the district cannot verify that they occurred on private property, the district may release the information on those investigations.

Districts should contact BDE if questions arise regarding application of the preceding guidance.